separately or in combination. In particular, Applicants response to the comments set forth in paragraph 3 of the Office Action are provided below.

As summarized in greater detail in the response submitted September 23, 2002, the present invention is directed to a locking mechanism of the type which may be used for a tailgate door of a vehicle, in which a locking housing 1 engages vertically into an interior recess of a latching housing. In order to guide the locking housing properly into the latching housing, allowing for any lateral tolerance or "offset" (that is, a slight misalignment of the two housings), the invention includes a pair of trapezoidal wedges 7, which bear against the side of the lock housing, guide it into position, and fix it laterally, once the lock is engaged. For this purpose, the wedges 7 are resiliently displaceable in the latching (vertical) direction by rough positioning guide elements and fine positioning guide elements. The former guide the tapered edges of the lock housing into approximately the proper lateral alignment, so that the fine positioning guide elements can thereafter assure a precise and proper alignment of the lock housing and the latching housing.

According to the invention, the rough-positioning guide elements are provided in the form of longitudinally extending bores 8 which engage with longitudinally extending guide rods 9 and guide the respective wedges in the latching direction. For this purpose, the rough-positioning guide elements (that is, the respective bores and guide rods) are provided with a sufficiently large amount of play to permit lateral movement of the wedges 7, so that lateral

movement of the lock housing is possible. In this manner, as noted, the locking housing 1 is guided into approximately the proper lateral alignment, permitting further fine positioning by the latching wedges 7 bearing against the side walls 11 of the latch housing 2, as noted in paragraph [0017] of the specification.

An important aspect of the present invention resides in the provision of an amount of play between the bores and guide rods that permits lateral movement of the wedges 7, as noted previously. This feature of the invention is recited in both Claims 1 and 7. Claim 1, for example, for example, recites not only that the respective guide rods engage axially in the bores of the wedges 7, "with guide play between the bore and the associated guide rod", but also that:

> "an amount of guide play between said bore and the associated guide rod in the rough-positioning guide elements allows rough lateral positional fixing of the latching wedges between the lock housing and the latching housing".

The latter feature of the invention is neither taught nor suggested by either of the Galantucci patent (EP '075) nor by Roethel.

In regard to this issue, the Office Action states at paragraph 5 (page 4) that Roethel explicitly discloses substantial tolerance between the guide rod and the bore, and inherently teaches "guide play" in the form of the "substantial gap between the guide rod and bore".

Applicants have carefully reviewed the Roethel patent and can find no explicit discussion which relates to the provision of "guide play", as indicated in the Office Action. Moreover, for the reasons noted hereinafter, Applicants respectfully submit that such guide play is neither disclosed in Roethel, nor suggested implicitly, either. Indeed, quite the opposite is true. That is, the structure in Roethel allows for no lateral (in the context of Roethel, upward and downward) movement of the wedge block 60.

Referring to Figures 1 and 2 of Roethel, in particular, it is noted that the rod 61 which guides the wedge block 60 extends not only through the "recess" 63 in the wedge (in which the spring 64 is mounted), but also through a smaller diameter bore (unnumbered) at the left portion of the wedge block. The latter shows no play whatsoever, both the rod 60 and the bore through which it extends being indicated by the same dashed line. Thus, insofar as the disclosure in Roethel indicates, the wedge block 60 is guided snuggly on the rod 61, and nothing in Roethel suggests that any sort of lateral (upward and downward) play or movement is permitted, would be useful or even tolerable, or otherwise addresses that issue.

Regardless of whether or not the Roethel reference inherently provides "guide play" between the "rod 61 and the recess 63" as noted above, the structure as depicted in Figures 1 and 2 allows for no lateral movement of the wedge block 60, nor is there anything in the disclosure which would suggest a provision for such lateral movement. Accordingly, Roethel fails to teach or suggest the

provision of an amount of guide play between the bore and the associated guide rods which allows rough lateral positioning fixing of the lateral wedges between the lock housing and the latch housing, as recited in Claims 1 and 7. Moreover, as noted previously, the disclosure in Roethel et al not only fails to disclose any such lateral movement or lateral positioning, but to the extent that any inference can be drawn from the drawings (Figures 1 and 2) such lateral movement is not possible, and certainly not possible to such an extent as to allow rough lateral positional fixing of the latching wedges as recited in the claims.

As noted previously, such lateral positioning plays an important role in the overall operation of the locking mechanism according to the present invention in that it provides a mechanism for guiding the locking housing 1 into approximately the proper lateral alignment, as discussed in the specification at paragraph [0017] at the top of page 6. Such rough positioning in the Roethel apparatus is provided by contact between the bottom surface of the abutment casing 48 and the curved or tapered surface 62a of the portion 62, as noted at Column 4, lines 4-13. Hence, lateral (upward or downward) movement of the wedge block 60 would have no utility in the context of the Roethel latch bolt keeper. Accordingly, since neither the Roethel patent nor the Galantucci patent (EP '075) teaches or suggests the above feature of the invention, it follows that the combination of the two would not yield the invention as recited in Claims 1 and 7.

It should also be noted that, although the lock according to Roethel et al is a rotary latch lock, it is not a fork-type rotary latch. In contrast to the present invention, such a pinion lock requires exact positioning of the corresponding lock parts during the closing operation, so that the teeth of the pinion 49 interact in a desirable manner with the corresponding retaining teeth 58. In contrast, in the case of a rotary latch lock with a fork-type rotary latch such as in the present invention, lateral displacement between the fork of the fork-type rotary latch and the locking bow remains possible. Such play is also necessary because of the two sliding wedges in each case arranged at a lateral distance from the locking bow.

However, the guidance by means of two mutually spaced wedges is not found in the known lock according to Roethel et al. This spacing of the wedges is necessary so that a desirable lateral supporting of the tailgate itself can take place by way of the lock. In the case of a single conical pin corresponding to the lock according to Roethel et al, corresponding stable support of the door or of the tailgate by way of the lock is not possible. However, this support has the purpose of quieting the door or the tailgate in the driving operation; thus, to prevent a rattling even in the case of considerable vertical vibrations of the vehicle body.

For the foregoing reasons, Applicants respectfully submit that Claims 1 and 7 are therefore allowable over the prior art of record, as are all remaining claims, which depend, directly or indirectly therefrom.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/49847).

Respectfully submitted,

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